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ADMITTED IN
SOUTH CAROLINA
NORTH CAROLINA

PRACTICE LIMITED TO
MATTERS BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

REC-1

July 30, 1996

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William F. Caton, Acting Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

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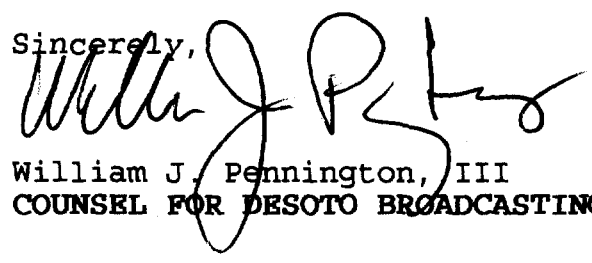
RE: Rule Making Petition Seeking Upgrade in Facilities
For Station KJVC(FM) at Mansfield, Louisiana.

Dear Mr. Caton:

Transmitted herewith, on behalf of DeSoto Broadcasting, Inc.,
is an original and five copies of a "Petition for Rule making and
Order to Show Cause" seeking the substitution of Channel 224C3 for
Channel 224A at Mansfield, Louisiana.

Should additional information be necessary in connection with
this matter, please do not hesitate to contact this office.

Sincerely,



William J. Pennington, III
COUNSEL FOR DESOTO BROADCASTING, INC.

Enc.

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)

Amendment of Section 73.202(b))
Table of Allotments)
FM Broadcast Stations)
(Mansfield, Louisiana))

MM docket No.
RM-

To: Chief, Allocations Branch

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PETITION FOR RULE MAKING AND ORDER TO SHOW CAUSE

DeSoto Broadcasting, Inc. ("DeSoto"), licensee of Station KJVC(FM), Mansfield, Louisiana, by their counsel hereby respectfully requests that the Commission amend Rule 73.202(b), the FM Table of Allotments, to substitute Channel 224C3 for Channel 224A at Mansfield, Louisiana. DeSoto further requests that its license be modified to specify operation as a Class C3 facility on Channel 224. Station KJVC presently operates as a Class A facility on Channel 224.

In support of this allocation request, the following information is respectfully submitted:

1. As is demonstrated in the attached Exhibit 1, Channel 224C3 may be allotted to Mansfield, Louisiana with a site restriction of 18.2 kilometers northwest of the community of license if channel substitutions are made at Leesville, Louisiana, Springhill, Louisiana and San Augustine, Texas.

2. In support of the proposed substitutions at Leesville, Louisiana, Springhill, Louisiana and San Augustine, Texas, DeSoto

notes that the Commission has on numerous occasions stated that the "substitution of an existing station's channel at one community serves the public interest where the substitution permits the provision of new or expanded service at another community." Eddyville and Fort Madison, Iowa, 4 FCC Rdc 7774 (1989); see also Marietta, Ohio and Ravenswood, WV, 2 FCC Rcd 4681 (1987) and Albany, NY, et al., 2 FCC Rcd 4300 (1987), 3 FCC Rcd 4681 (1987).

3. To accommodate the proposed upgrade at Mansfield, Channel 228A would have to be substituted for Channel 224A at Leesville and the license of Station KJAE modified accordingly. Channel 224A at Leesville is currently held by licensee Pene Broadcasting Co., Inc. ("Pene"), which operates Station KJAE on that channel. Exhibit 2 demonstrates that Channel 228A may be substituted for Channel 224A at the present Station KJAE transmitter location in full compliance with the Commission's minimum spacing requirements. Furthermore, should the Commission grant DeSoto's proposal, DeSoto further agrees to reimburse Pene for its reasonable and prudent expenses incurred in moving to Channel 228A. Therefore, the Commission should issue an Order to Show Cause to Pene to show why its license should not be modified as proposed herein.

4. Additionally, to accommodate the Mansfield upgrade Channel 281A would have to be substituted for Channel 223A at San Augustine, Texas. It is requested that this substitution be made and the license of Station KCOT be modified accordingly. Channel 281A at San Augustine is currently held by licensee Center Broadcasting Co. Inc. ("Center"), which operates Station KCOT on that Channel. The move to Channel 281A at San Augustine will in no

way harm Center, for as shown in Exhibit 3, Center can operate Station KCOT from its current transmitter location on Channel 281A in full compliance with the Commission's spacing requirements. Furthermore, should the Commission grant the DeSoto proposal, DeSoto agrees to reimburse Center for its reasonable and prudent expenses incurred in moving to Channel 281A. Therefore, the Commission should issue an Order to Show Cause to Center to show why its license should not be modified as proposed herein.

5. The proposed use of Channel 224C3 at Mansfield is also short spaced to Channel 224A at Springhill, Louisiana, which is presently used by Station KTKC. The licensee of Station KTKC is Johnnie K. Hill, trading as Springhill Broadcasting Company. Counsel for Desoto is also the counsel for Johnnie K. Hill and represents him in a "one step" minor change application recently filed with the Commission which seeks to upgrade the facilities of Station KTKC to Channel 225C3. The application seeking the upgrade proposes the use of Station KTKC's existing tower for Class C3 operation. The licensee of Station KTKC has no objection to moving to Channel 225C3, as he is independently proposing to move to that channel. Exhibit 4 is a channel spacing study which shows that Channel 225C3 may be substituted for Channel 224A at the present Station KTKC transmitter site and allow for the allotment of Channel 224C3 at Mansfield. Thus, there should be no need to issue an Order to Show Cause to the licensee of Station KTKC. It is requested that Channel 225C3 be substituted for Channel 224A at Springhill and the license of Station KTKC be modified accordingly. The licensee, by submitting a "one step" application outlining

Class C3 operation, has already expressed an interest in that substitution.

6. If the above mentioned substitutions are made at Leesville San Augustine and Springhill, the permissible site for a station operating on Channel 224C3 at Mansfield would be ample. A large portion of that area is close enough so that a station operating on Channel 224C3 should have no difficulty placing a 70 dBu service contour over the entire community of Mansfield.

7. The allotment of Channel 224C3 to Mansfield and modification of DeSoto's license to specify operation thereon will permit DeSoto to serve a much larger area, thereby increasing the number of broadcast signals available to the public in the given area and thus promoting efficient use of the spectrum. The Commission has determined that expanded service to the public and spectrum efficiency provide significant public interest benefits. See Report and Order in MM Docket No. 85-313, 60 RR 2d 114, 118 (1986). Thus, DeSoto's proposal would serve the public interest.

8. Because Channel 224C3 would not be available to a third party for use at Mansfield, DeSoto's license may be modified to specify operation on the higher class channel pursuant to Rule 1.420(g). Upon grant of this request, DeSoto will proceed promptly with construction of its facility upgrade.

WHEREFORE, base on the foregoing, DeSoto hereby requests that the Commission: (i) modify its FM Table of Allotments to substitute Channel 224C3 for Channel 224A at Mansfield, Louisiana and modify the license of Station KJVC accordingly; (ii) substitute Channel 228A for Channel 224A at Leesville, Louisiana and modify

the license of Station KJAE accordingly; (iii) substitute Channel 281A for Channel 223A at San Augustine, Texas and modify the license of Station KCOT accordingly; and (iv) substitute Channel 225C3 for Channel 224A at Springhill, Louisiana and modify the license of Station KTKC accordingly.

Respectfully submitted,

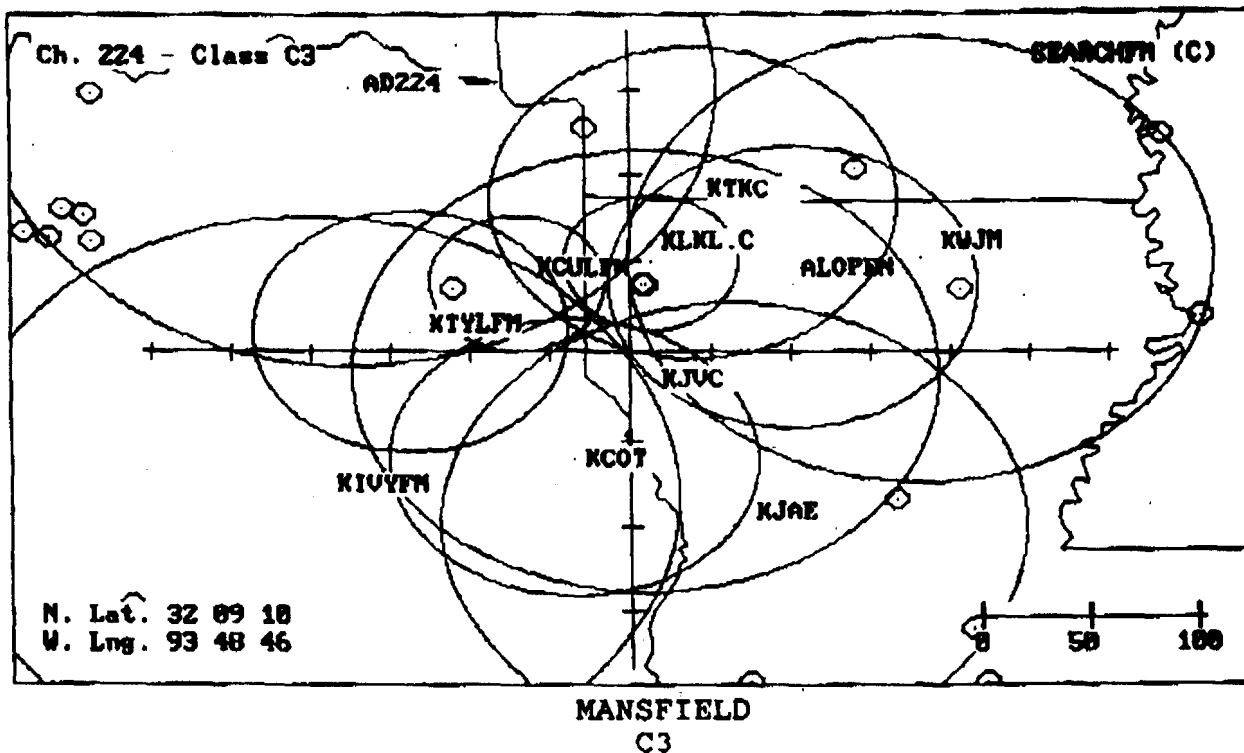
DESOTO BROADCASTING, INC.

By: 

William J. Pennington, III
Its Attorney

Post Office Box 403
Westfield, MA 01086
(413) 562-3341

July 30, 1996



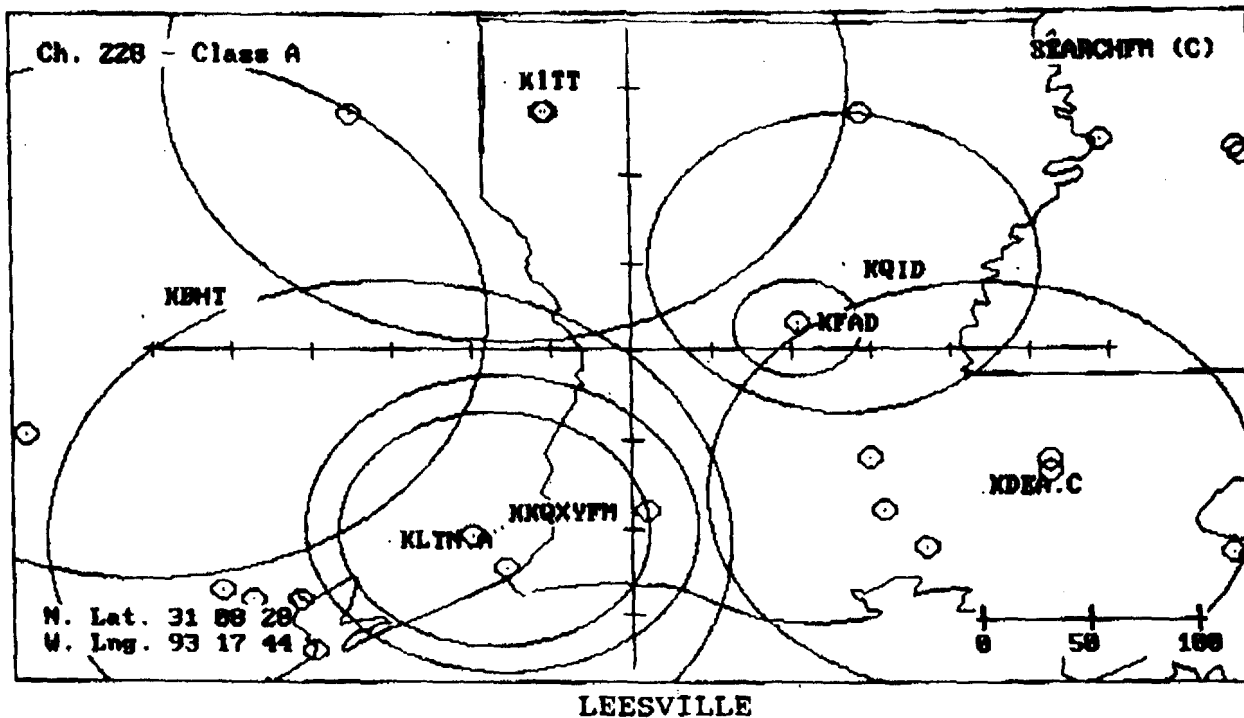
Current rules spacings
 ----- CHANNEL 224 - 92.7 MHz -----

CALL	CH#	CITY	STATE	BEAR'	D-KM	R-KM	MARGIN	
KJVC	224A	Mansfield	LA	154.2	16.15	142.0	-125.85	*
KJAE	224A	Leesville	LA	156.4	122.43	142.0	-19.57	* /1
KCOT	223A	San Augustine	TX	201.4	74.32	89.0	-14.68	* /2
ALOPEN	223A	Arcadia	LA	62.4	89.04	89.0	0.04	< /3
KTKC	225C3	Springhill	LA	18.3	99.87	99.0	0.87	<
KIVYFM	224C2	Crockett	TX	238.8	181.52	177.0	4.52	
KWJM	224A	Farmerville	LA	67.6	151.95	142.0	9.95	
KLKL	221A	Benton	LA	11.3	56.83	42.0	14.83	
KLKL.C	221A	Benton	LA	11.3	56.83	42.0	14.83	
KCULFM	222A	Marshall	TX	307.8	70.10	42.0	28.10	
KCULFM	222A	Marshall	TX	307.8	70.10	42.0	28.10	
KTYLFM	226C1	Tyler	TX	276.3	107.93	76.0	31.93	
AD224	224C2	Blossom	TX	321.0	216.45	177.0	39.45	

/1 PROPOSED HEREIN TO MOVE KJAE(FM) AT LESSVILLE TO CHANNEL 228A.

/2 PROPOSED HEREIN TO MOVE KCOT(FM) AT SAN AUGUSTINE TO CHANNEL 281.

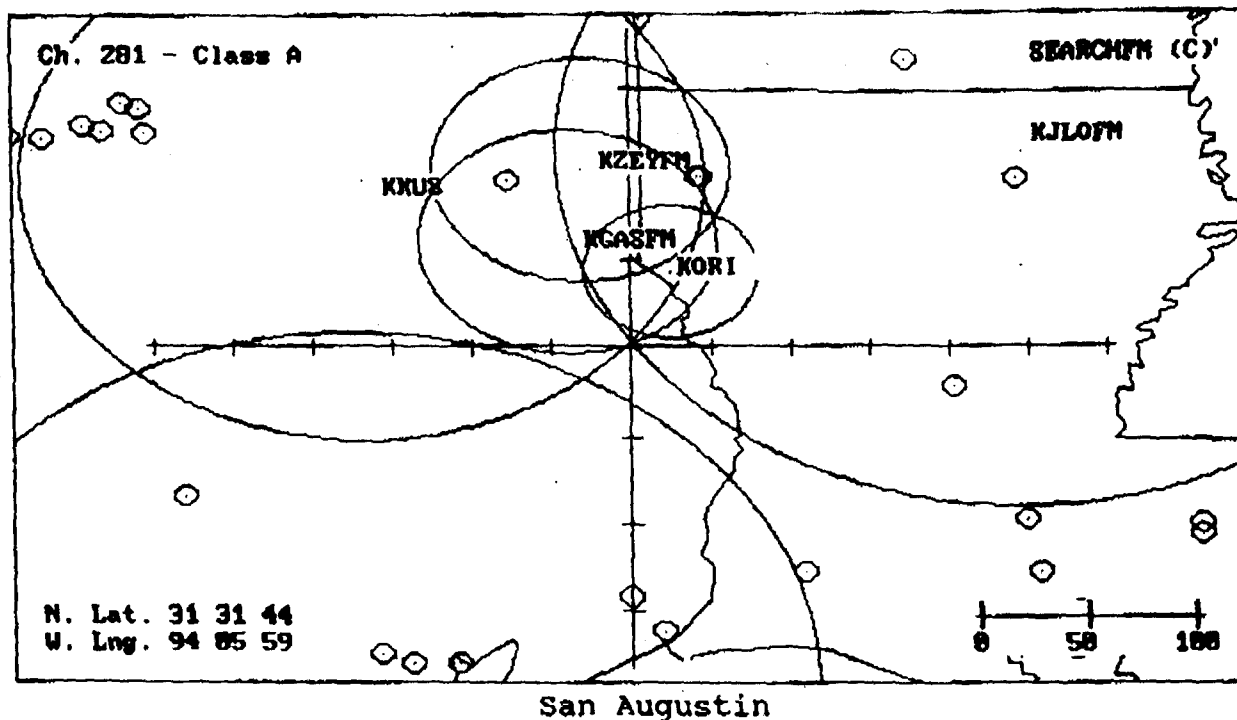
/3 STATION KTKC(FM) HAS FILED A "ONE STEP" APPLICATION TO MOVE TO CHANNEL 225C3 AT ITS PRESENT ANTENNA SITE FOR CLASS A OPERATION ON CHANNEL 224. THIS STUDY DEPICTS STATION KTKC(FM) AS A CLASS C3 FACILITY AT ITS PRESENT SITE.



Current rules spacings

CHANNEL 228 - 93.5 MHz

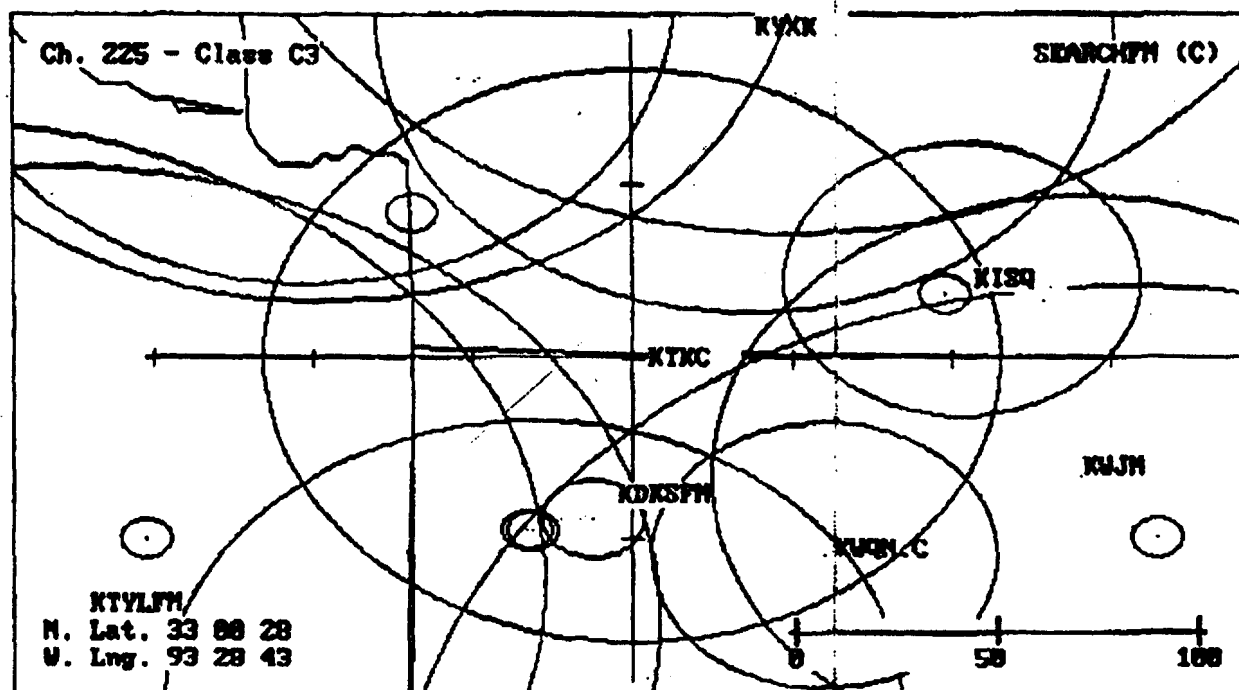
CALL	CH#	CITY	STATE	BEAR'	D-KM	R-KM	MARGIN
KLTN	227C	Port Arthur	TX	224.4	168.94	165.0	3.94
KLTN.A	227C	Port Arthur	TX	224.4	168.94	165.0	3.94
KITT	229C	Shreveport	LA	340.6	180.56	165.0	15.56
KQID	226C	Alexandria	LA	62.0	117.50	95.0	22.50
KQXYFM	231C	Beaumont	TX	209.4	127.98	95.0	32.98
KFAD	230A	Alexandria	LA	80.2	82.74	31.0	51.74
KQXYFM	231C1	Beaumont	TX	210.7	132.24	75.0	57.24
KDEA.C	229C1	New Iberia	LA	117.7	191.84	133.0	58.84
KBHT	228C2	Crockett	TX	275.2	238.31	166.0	72.31



Current rules spacings

CHANNEL 281 -104.1 MHz

CALL	CH#	CITY	STATE	BEAR'	D-KM	R-KM	MARGIN
KJLOFM	281C	Monroe	LA	56.6	227.62	226.0	1.62 <
KGASF	282A	Carthage	TX	335.5	74.78	72.0	2.78 <
KKUS	281C2	Tyler	TX	309.3	168.87	166.0	2.87 <
KORI	284C3	Mansfield	LA	21.5	51.80	42.0	9.80
KRBEFM	281C	Houston	TX	212.0	255.29	226.0	29.29
KZEYFM	280A	Marshall	TX	348.3	117.20	72.0	45.20

CHANNEL SPACING STUDY

CHANNEL 225C3

Current rules spacings

----- CHANNEL 225 - 92.9 MHz -----

CALL	CH#	CITY	STATE	BEAR'	D-KM	R-KM	MARGIN
KTKC	224A	Springhill	LA	0.0	0.00	89.0	-89.00 *
KTYL FM	226C1	Tyler	TX	239.0	161.12	144.0	17.12
KQID	226C	Alexandria	LA	141.7	193.45	176.0	17.45
KYXK	224A	Gurdon	AR	15.0	107.62	89.0	18.62
KJVC	224A	Mansfield	LA	192.6	112.04	89.0	23.04
KWJM	224A	Farmerville	LA	108.8	114.62	89.0	25.62
KWQN.C	223A	Arcadia	LA	143.0	77.56	42.0	35.56
KTYL FM	226C1	Tyler	TX	247.0	179.85	144.0	35.85
ALOPEN	226C2	De Queen	AR	330.8	154.86	117.0	37.86
KDQN.A	226C2	De Queen	AR	330.8	154.86	117.0	37.86
KDKSFM	279A	Haughton	LA	190.9	51.35	12.0	39.35
KISQ	227C3	El Dorado	AR	72.8	83.32	43.0	40.32
KVRE	225A	Hot Springs Villag	AR	12.0	186.21	142.0	44.21
KDQNF	224A	De Queen	AR	325.2	138.39	89.0	49.39
DE224	224A	De Queen	AR	325.2	138.39	89.0	49.39

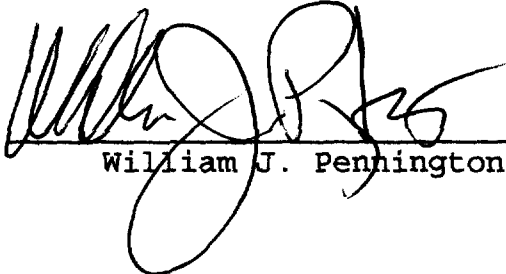
CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of July, 1996, I deposited copies of the foregoing "Petition for Rule making and Order to Show Cause" in the United States mail, first class, postage prepaid, addressed to the following:

Pene Broadcasting Co., Inc.
P.O. Box 1323
Leesville, LA 71466
LICENSEE OF STATION KJAR(FM)

Center Broadcasting Co., Inc.
307 San Augustine Street
Center, TX 75935
LICENSEE OF STATION KCOT(FM)

** No service to licensee of
Station KTKC as counsel for
proponent of rule making represents
the licensee of Station KTKC,
Johnnie K. Hill, trading as
Springhill Broadcasting Company.



William J. Pennington, III